IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 16015 of 2005

Between:

1 Chakka Srikrishna Satya Subrahmanya Gupta, S/o. Venkateswarlu, Hindu, r/o. Ajjaram (V) Peraveli (M), West Godavari District.
2 Chakka Venkateswarlu, S/o. Jaggarao,Hindu, r/o. Ajjaram (V) Peraveli (M), West Godavari District.
3 Chakka Venkatarama Surya Jagan Mohan Gupta, S/o. Veera Raghavulu, r/o. Ajjaram (V) Peraveli (M), West Godavari District.
4 Chakka Venkata Satya Subrahmanyakumar, S/o. Veera Raghavulu, Hindu, r/o. Ajjaram (V) Peraveli (M), West Godavari District.

..... PETITIONER(S)

AND

Mandal Revenue Officer, Tanuku Mandal, West Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the proceedings R.C.No.551/2005 (B) dt. 18-7-2005 issued by the respondent is without jurisdiction highly unjust arbitrary, illegal, and unsustainable and violative of Art 14.21 and 300.A of the constitution of India, and consequently directing the respondent not to interfere with the lawful possession and enjoyment of the petitioners in respect of Ac. 1.90 cts in R.S. No.628/2 and 628/4 of Tanuku W.G. District.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent : GP FOR REVENUE

The Court at the stage of admission made the following :

Heard Sri Ramachandra Raju, learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents.

The grievance of the petitioner in this writ petition is that though notice dated 18-7-2005 specifically states that the petitioners herein are cultivating the land in R.S.No.628/2 and 628/4 of Tanuku, on the allegation that the land is shown as Palakodu drain in the Government records, the petitioners were directed to appear before the M.R.O. on 22-7-2005 with all relevant records, were directed not to enter into the lands and not to plough the lands till further orders are passed.

Needless to state that this portion of the order preventing the petitioners from entering into the land or ploughing the land admittedly under their possession and cultivation, is illegal and is liable to be set aside, more so in view of the fact that the respondent himself called for explanation and had asked the petitioners to appear and produce relevant documents.

The learned Government pleader, on instructions, submits that the petitioners appeared before the M.R.O, and that notice was given to the petitioners on 19-7-2005 to which the petitioners submitted reply today i.e., 21-7-2005 morning.

The impugned order dated 18-7-2005 is set aside only to the extent it prohibits the petitioners from entering into the land and from ploughing the land. It is made clear that this order shall not preclude the respondents from taking such action as is available to them in law.

The writ petition is accordingly disposed of. No costs.

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21-7-2005

To:

1. Mandal Revenue Officer, Tenuku Mandal, West Godavari District.

2. Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT),

3. Two C.D. copies